



## Damage Claim Evaluation

Right of Way Project Title					
Acquisition Agent Name			Title		
Region		Address			
Parcel No.	R/W No.	C.S. No.	Project No.	Fed. Aid No.	Open <input type="checkbox"/> Yes <input type="checkbox"/> No
Claimant Name(s)				Phone (Incl. Area Code)	
Claimant Address					

The following questions should be answered concisely and in detail where necessary.

Was there a previous acquisition from this property? ☐ Yes ☐ No If yes, give explanation and date:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the nature of this claim and the apparent cause?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is there exclusive responsibility or shared responsibility between parties?  
Check all that apply and give explanation below. ☐ State ☐ Contractor ☐ Owner  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If a taking occurred, which of the following property rights were/are taken?  
☐ The right to use the property ☐ The right to sell the property ☐ Other (explain below)  
☐ The right to enter the property ☐ The right to lease the property  
\_\_\_\_\_  
\_\_\_\_\_

Indicate the type of damage and give explanation below. ☐ Recurring ☐ Permanent ☐ One-Time Event  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were any of the items claimed considered in establishing just compensation for the property? ☐ Yes ☐ No  
If Yes, identify items and to what extent.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

At what stage should the possibility of a claim have been recognized? <input type="checkbox"/> Planning <input type="checkbox"/> Design <input type="checkbox"/> Right of Way <input type="checkbox"/> Construction <input type="checkbox"/> Could Not Be Foreseen		
Did any of the above divisions attempt to resolve the problems prior to this claim? <input type="checkbox"/> Yes <input type="checkbox"/> No   Please explain. _____ _____ _____		
How was the claim settlement determined? <input type="checkbox"/> Before and After Value <input type="checkbox"/> Cost to Cure <input type="checkbox"/> Other (please define) _____		
Who determined settlement? <input type="checkbox"/> Right of Way <input type="checkbox"/> Attorney <input type="checkbox"/> Engineering <input type="checkbox"/> Region Admin. <input type="checkbox"/> Other (please explain) _____ _____		
To date, has any compensation been paid to:		
Claimant	\$	_____
Others	\$	_____
(identify)	\$	_____
Estimated/actual cost to settle claim with claimant?	\$	_____
Estimated/actual cost for administrative and/or legal fees?	\$	_____
Estimated/actual cost to others? Identify name and/or business.	\$	_____
_____	\$	_____
_____	\$	_____
<b>Estimated/actual settlement total:</b>	→ \$	_____

Region recommendation? <input type="checkbox"/> Settle <input type="checkbox"/> Reject   Provide explanation below: _____ _____ _____		
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Approved By	Title	Date
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### Federal Highway Administrative Approval (FHPM 7-1-3, pg 5)

Federal funds may participate in severance or consequential damages, or both, resulting from a highway project upon an affirmative showing that the acquiring agency is obligated to pay such damages under applicable law, provided that such damages are of a type generally compensable in eminent domain, and are determined by FHWA to be generally reimbursable on Federal-Aid Highway Projects. (Noise is not a compensable item.)

The purpose of the form, from FHWA point of view, is to provide a basis for Federal Aid participation, This would depend upon the answers to the following pertinent points:

1. It must be demonstrated that the taking or damage is directly related to the property and not to an individual, business, or other entity.
2. It must be demonstrated to FHWA's satisfaction that the taking or damage was indeed the result of the construction of the highway.
3. If there was a purported taking or damage related to the construction, identify who is responsible: The Contractor; the State, or a shared responsibility between the State and the Contractor
4. If FHWA agrees to Federal participation in the cost of the taking or in the cost to cure, they will review and approve the cost estimates obtained supporting the settlement.

☐ Accepted   ☐ Rejected

By	Title	Date
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